

# EXHIBIT A

ROBERT E. LEVY, ESQ. (011501976)

**SCARINCI HOLLENBECK, LLC**

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*Attorneys for Plaintiffs, C.J. Hesse, Inc. and Atlantic Pier Co., Inc.*

C.J. HESSE, INC., ATLANTIC PIER CO., INC.

Plaintiffs,

v.

AMERICAN FAMILY HOME INSURANCE  
COMPANY,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.: MON-L-004339-24

CIVIL ACTION

**SUMMONS**

From The State of New Jersey To The Defendant Named Above:

**AMERICAN FAMILY HOME INSURANCE COMPANY**

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prosc/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prosc/10153_deptyclerklawref.pdf)

/s/ Michelle M. Smith, Esq.

Clerk of the Superior Court

DATED: January 7, 2025

Name of Defendant to Be Served: AMERICAN FAMILY HOME INSURANCE COMPANY

Address of Defendant to Be Served: 555 COLLEGE ROAD EAST  
PRINCETON, NJ 08540

**Directory of Superior Court Deputy Clerk's Offices  
County Lawyer Referral and Legal Services Offices**

**ATLANTIC COUNTY**

Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Blvd., First Fl.  
Atlantic City, NJ 08401

**LAWYER REFERRAL**

(609) 345-3444  
**LEGAL SERVICES**  
(609) 348-4200

**BERGEN COUNTY**

Deputy Clerk of the Superior Court  
Case Processing Section, Room 119  
Justice Center, 10 Main St  
Hackensack, NJ 07601-0769

**LAWYER REFERRAL**

(201) 488-0044  
**LEGAL SERVICES**  
(201) 487-2166

**BURLINGTON COUNTY**

Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First FL, Courts Facility  
49 Rancocas Rd  
Mt Holly, NJ 08060

**LAWYER REFERRAL**

(609) 261-4862  
**LEGAL SERVICES**  
(609) 261-1088

**CAMDEN COUNTY**

Deputy Clerk of the Superior Court  
Civil Processing Office  
1st FL, Hall of Records  
101 S. Fifth St  
Camden, NJ 08103

**LAWYER REFERRAL**

(856) 964-4520  
**LEGAL SERVICES**  
(856) 964-2010

**CAPE MAY COUNTY**

Deputy Clerk of the Superior Court  
9 N. Main Street  
Box DN-209  
Cape May Court House, NJ 08210

**LAWYER REFERRAL**

(609) 463-0313  
**LEGAL SERVICES**  
(609) 465-3001

**CUMBERLAND COUNTY**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Broad & Fayette Sts., P.O. Box 615  
Bridgeton, NJ 08302

**LAWYER REFERRAL**

(856) 692-6207  
**LEGAL SERVICES**  
(856) 451-0003

**ESSEX COUNTY**

Deputy Clerk of the Superior Court  
50 West Market Street  
Room 131  
Newark, NJ 07102

**LAWYER REFERRAL**

(973) 622-6207  
**LEGAL SERVICES**  
(973) 624-4500

**GLOUCESTER COUNTY**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake  
First FL, Court House  
1 North Broad Street, P.O. Box 129  
Woodbury, NJ 08096

**LAWYER REFERRAL**

(856) 848-4589  
**LEGAL SERVICES**  
(856) 848-5360

**HUDSON COUNTY:**

Deputy Clerk of the Superior Court  
Superior Court, Civil Records Dept  
Brennan Court House- 1st Floor  
583 Newark Ave  
Jersey City, NJ 07306

**LAWYER REFERRAL**

(201) 798-2727  
**LEGAL SERVICES**  
(201) 792-6363

**HUNTERDON COUNTY**

Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08822

**LAWYER REFERRAL**

(908) 735-2611  
**LEGAL SERVICES**  
(908) 782-7979

**MERCER COUNTY**

Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 S. Broad Street, P.O. Box 8068  
Trenton, NJ 08650

**LAWYER REFERRAL**

(609) 585-6200  
**LEGAL SERVICES**  
(609) 695-6249

**MIDDLESEX COUNTY**

Deputy Clerk of the Superior Court  
Administration Building  
Third Floor  
1 Kennedy Sq., P.O. Box 2633  
New Brunswick, NJ 08903-2633

LAWYER REFERRAL  
(732) 828-0053  
LEGAL SERVICES  
(732) 249-7600

**MONMOUTH COUNTY**

Deputy Clerk of the Superior Court  
Court House  
71 Monument Park  
P.O. Box 1269  
Freehold, NJ 07728-1269

LAWYER REFERRAL  
(732) 431-5544  
LEGAL SERVICES  
(732) 866-0020

**MORRIS COUNTY**

Deputy Clerk of the Superior Court  
Civil Division  
30 Schuyler Pl., P.O. Box 910  
Morristown, NJ 07960-0910

LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 285-6911

**OCEAN COUNTY**

Deputy Clerk of the Superior Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754

LAWYER REFERRAL  
(732) 240-3666  
LEGAL SERVICES  
(732) 341-2727

**PASSAIC COUNTY**

Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton St.  
Paterson, NJ 07505

LAWYER REFERRAL  
(973) 278-9223  
LEGAL SERVICES  
(973) 345-7171

**SALEM COUNTY**

Deputy Clerk of the Superior Court  
92 Market St. P.O. Box 18  
Salem, NJ 08079

LAWYER REFERRAL  
(856) 935-5628  
LEGAL SERVICES  
(856) 451-0003

**SOMERSET COUNTY**

Deputy Clerk of the Superior Court  
Civil Division Office  
New Court House, 3rd Fl., P.O. Box 3000  
Somerville, NJ 08876

LAWYER REFERRAL  
(908) 685-2323  
LEGAL SERVICES  
(908) 231-0840

**SUSSEX COUNTY**

Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860

LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 383-7400

**UNION COUNTY**

Deputy Clerk of the Superior Court  
1st FL, Court House  
2 Broad Street  
Elizabeth, NJ 07207-6073

LAWYER REFERRAL  
(908) 353-4715  
LEGAL SERVICES  
(908) 354-4340

**WARREN COUNTY**

Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvidere, NJ 07823-1500

LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 475-2010

ROBERT E. LEVY, ESQ. (011501976)

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*Attorneys for Plaintiffs, C.J. Hesse, Inc. and Atlantic Pier Co., Inc.*

C.J. HESSE, INC., ATLANTIC PIER CO.,  
INC.

Plaintiffs,

v.

AMERICAN FAMILY HOME INSURANCE  
COMPANY,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.:

CIVIL ACTION

**COMPLAINT**

Plaintiffs, C.J. Hesse, Inc. ("Hesse" or "Plaintiff") and Atlantic Pier Co., Inc. ("Atlantic Pier" or "Plaintiff") New Jersey corporations having their principal place of business at 25 First Avenue, Atlantic Highlands, New Jersey by way of Complaint against Defendant American Family Home Insurance Company ("American Family Home" or "Defendant") alleges:

**FIRST COUNT**  
**Breach of Contract**

1. This is an action relating to six negligence suits where the alleged incidents giving rise to each of the suits occurred at the landfill located at 2498 Route 70, Manchester, New Jersey ("Site"). This real property is owned by Atlantic Pier, Corp. and leased to Ocean County Landfill Corp. ("Ocean County Landfill") by a written lease agreement.

2. Defendant American Family Home, upon information and belief, is licensed by the State of New Jersey to issue general and automobile liability policies of insurance in New Jersey, with a place of business located 555 College Road East, Princeton, New Jersey.

3. American Family Home issued an automobile liability Policy No. 88A5CA0000840-00 ("Policy") which provides coverage to Hesse and Atlantic Pier for all alleged losses for personal injuries and property damages caused by the negligence of "any auto" which triggers coverage and a duty to defend both Hesse and Atlantic Pier against such allegations. In these cases, the garbage trucks that allegedly caused the damages alleged are vehicles that meet the policy definition of "any auto."

4. Venue is proper in Monmouth County pursuant to New Jersey Court Rule 4:3-2 because Plaintiffs have their principal place of business here and the policy of insurance was issued to Plaintiffs at their principal place of business.

5. The Court has personal jurisdiction over American Family Home, because at all relevant times American Family Home (1) operated, conducted, engaged in, or carried out business in New Jersey, including the sale of insurance policies to New Jersey businesses, (2) there is the requisite nexus between such business conducted by American Family Home and these actions (described herein below), and (3) because American Family Home engaged in substantial and not isolated business activity within New Jersey.

6. The six lawsuits filed against Plaintiffs are:

William Barnshaw and his wife Jill for personal injuries on October 1, 2021, at the landfill. (OCN-L-2585-22).

Gerald Alton and his wife Diane for personal injuries alleged to have occurred on September 23, 2021, at the landfill. (OCN-L-2172-23).

Ocean County Joint Insurance Fund for property damage to a vehicle owned by its member Stafford Township driven by its employee Michael Smith that allegedly has damage to its oil pan during an incident alleged to have occurred on February 7, 2023, at the landfill. (OCN-L-1209-23).

Ocean County Joint Insurance Fund for the costs of property damage to a vehicle owned its member Stafford Township for a vehicle driven by its employee Ken Widmer during an incident alleged to have occurred on July 6, 2022, at the landfill. (OCN-L-1546-24).

Ocean County Joint Insurance Fund for property damage to a vehicle owned by its member Brick Township driven by its employee William Barnshaw during an incident alleged to have occurred on October 1, 2021, at the landfill. (OCN-L-1266-23).

Ocean County Joint Insurance Fund for property damage to a vehicle owned by its member Brick Township driven by its employee Gerald Alton during an incident alleged to have occurred on September 23, 2021 at the landfill. (OCN-L-1266-23).

7. American Family Home acknowledged receipt of five of the above reference suits on May 14, 2024, but has denied its duty to defend and cover each of the claims raised in each of these suits. It is anticipated American Family Home will also deny coverage and its duty to defend the latest suit similar to its denials in the other above-referenced cases.

8. American Family Home has refused to assign defense counsel for each of these lawsuits against Plaintiffs.

9. American Family Home has wrongfully denied its duty to defend and to provide coverage for all these claims against Plaintiffs in each of these lawsuits.

10. Plaintiffs have and will continue to incur substantial costs to defend each of these lawsuits.



11. The Policy is a valid contract of insurance and is binding on American Family Home.

12. The Policy obligates American Family Home to provide coverage and a defense to Plaintiffs and is liable for the costs it has incurred to date and will continue to incur to defend these lawsuits.

13. Plaintiffs have satisfied all applicable conditions precedent to coverage and defense under the Policy.

14. American Family Home has breached its obligations by refusing or failing to provide a defense and coverage to Plaintiffs under the Policy and under the governing law with respect to the costs incurred by Plaintiffs and any future damages that may be awarded against Plaintiffs.

15. As a result of American Family Home's breach of the Policy, Plaintiffs have been deprived of and continues to be deprived of the benefits of the Policy issued by American Family Home.

16. As a direct result of American Family Home's breach of the Policy, Plaintiffs have sustained and will continue to sustain damages, including but not limited to compensatory damages, direct and consequential damages, pre-judgment and post-judgment interest, attorney's fees and court costs.

**SECOND CAUSE OF ACTION**  
**Declaratory Judgment**

17. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-16 as if forth at length herein.

18. The Policy constitutes a valid contract of insurance and is binding upon American Family Home.

19. Plaintiffs are entitled to coverage under the Policy for the costs and damages it has incurred to date and will continue to incur into the future.

20. Plaintiffs have suffered and continue to suffer losses which are covered under the Policy.

21. An actual and justiciable controversy exists between Plaintiffs and American Family Home as to American Family Home's obligations to Plaintiffs pursuant to the Policy and the rights and obligations of the parties thereto.

22. The issuance of declaratory relief by this Court addressing American Family Home's obligations pursuant to the Policy will terminate some or all the controversy between the parties.

23. Accordingly, Plaintiffs are entitled to a declaration of the parties' respective rights and obligations under the Policy pursuant to N.J.S.A. 2A:16-50 et seq.

**THIRD CAUSE OF ACTION**  
**Breach of Covenant of Good Faith and Fair Dealing**

24. Plaintiffs repeats and realleges each and every allegation contained in Paragraphs 1-23 as if set forth at length herein.

25. All contracts impose a covenant of good faith and fair dealing in their performance and enforcement.

26. American Family Home's actions in denying Plaintiffs' coverage and a defense under the Policy after Plaintiffs' tender of their notice of these claims to breached the implied covenant of good faith and fair dealing.

27. As a direct result of American Family Home's breach of the implied covenant of good faith and fair dealing, Plaintiffs have incurred damages and will continue to be damaged.

**FOURTH CAUSE OF ACTION**  
**Bad Faith (Pickett v. Lloyds) and Unreasonable Denial of Coverage**

28. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1-27 as if set forth at length herein.

29. All contracts impose a covenant of good faith and fair dealing in their performance and enforcement.

30. The New Jersey Legislature has codified these principles in the insurance industry by defining unfair and deceptive business practices in insurance claims settlement.

31. Such practices include "[r]efusing to pay claims without conducting a reasonable investigation based upon all available information[.]" (N.J.S.A. 17:29B-4(9)(d)); "[f]ailing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed[.]" (N.J.S.A. 17:29B-4(9)(e)); "[c]ompelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds[.]" (N.J.S.A. 17:29B-4(9)(g)); and "[n]ot attempting to negotiate in good faith to effectuate prompt, fair and equitable settlement of claims in which liability has become reasonably clear[.]" (N.J.S.A. 17:29B-4(9)(f)).

32. American Family Home's actions in denying Plaintiffs a defense and coverage under the Policy after Plaintiffs tender of its notice of these claims to American Home breached the covenant of good faith and fair dealing, constitutes bad faith, and is an unfair business practice.

33. As a result of American Family Home's actions, Plaintiffs have been forced to file this action seeking the insurance coverage and defense to which they are entitled.

34. As a direct result of American Family Home's actions, Plaintiffs have been forced to incur undue expenses and pay for the services of attorneys and other professionals to secure coverage and a defense.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request that this Court find in its favor and enter judgment as follows:

- a. Compensatory damages for all costs, damages, and expenses incurred by Plaintiffs relating to the defense of all these cases and claims;
- b. A declaration that American Family Home Insurance Company is liable for all costs, damages, and expenses incurred by Plaintiffs in connection with the damages sought against Plaintiffs for negligence;
- c. A declaration that Plaintiffs are entitled to punitive damages from American Family Home Insurance Company;
- d. Pre-judgment and post-judgment interest at the maximum legal rate;
- e. Attorneys' fees (including fees payable to a successful claimant pursuant to R. 4:42-9(a)(6));
- f. Costs of suit; and
- g. Such other and further relief as this Court deems just.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Robert E. Levy, Esq. is hereby designated as trial counsel.

**CERTIFICATION PURSUANT TO RULE 1:38-7(c)**

I hereby certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future.

**RULE 4:5-1(b)(2) CERTIFICATION**

Pursuant to the requirements of R. 4:5-1(b)(2), I certify that the matter in controversy is not the subject of any other court or arbitration proceeding except the six lawsuits set forth in paragraph 6 hereinabove, nor is any other court or arbitration proceeding contemplated within the time permitted by law except a lawsuit against Crum & Forster. I also note that Crum & Forster is defending, by virtue of a different general liability policy with a reservation of rights, Suits 1, 2 and 5 described herein above and may defend suits 3, 4 and 6 described herein above. I also certify that I am unaware of any other persons who should be joined as parties in this action.

**SCARINCI HOLLENBECK, LLC**  
*Attorneys for Plaintiffs, C.J. Hesse, Inc. and  
Atlantic Pier Co., Inc.*

By: /s/ Robert E. Levy  
ROBERT E. LEVY, ESQ.

Dated: December 26, 2024

## Civil Case Information Statement

### Case Details: MONMOUTH | Civil Part Docket# L-004339-24

**Case Caption:** C.J. HESSE, INC. VS AMERICAN FAMILY  
HOME INSUR

**Case Initiation Date:** 12/26/2024

**Attorney Name:** ROBERT E LEVY

**Firm Name:** SCARINCI & HOLLENBECK LLC

**Address:** 150 CLOVE RD 9TH FL

LITTLE FALLS NJ 07424

**Phone:** 2018964100

**Name of Party:** PLAINTIFF : C.J. Hesse, Inc.

**Name of Defendant's Primary Insurance Company**  
(if known): None

**Case Type:** CONTRACT/COMMERCIAL TRANSACTION

**Document Type:** Complaint

**Jury Demand:** NONE

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: C.J. Hesse, Inc.?** NO

**Are sexual abuse claims alleged by: Atlantic Pier Co., Inc.?** NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Business

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO  
Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

12/26/2024

Dated

/s/ ROBERT E LEVY

Signed



MONMOUTH COUNTY  
SUPERIOR COURT  
PO BOX 1270  
FREEHOLD

NJ 07728

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 358-8700  
COURT HOURS 8:30 AM - 4:30 PM

DATE: DECEMBER 26, 2024  
RE: C.J. HESSE, INC. VS AMERICAN FAMILY HOME INSUR  
DOCKET: MON L -004339 24

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON THOMAS M. COMER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003  
AT: (732) 358-8700 EXT 87549.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: ROBERT E. LEVY  
SCARINCI & HOLLENBECK LLC  
150 CLOVE RD  
9TH FL  
LITTLE FALLS NJ 07424

ECOURTS



